



STATE OF INDIANA

ERIC J. HOLCOMB, Governor

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ANALYSIS

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." See Ind. Code § 5-14-3-1. The Marion County Clerk is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(m)(1). Accordingly, any person has the right to inspect and copy the Clerk's disclosable public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14-3-3(a).

It appears as if the formal complaint itself was sent prematurely. The Complainant only gave nine days before submitting the complaint after the request. Based upon the prison mail system, it is highly likely the acknowledgement and the complaint crossed in the mail.

The Clerk first indicates the records do not exist, however, they are willing to go back and search the historical archives to confirm. This shows a good faith effort is being made to fulfill the request.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Marion County Clerk of Courts did not violate the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read "LH Britt", written in a cursive style.

Luke H. Britt
Public Access Counselor

Distribution:



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